

AMENDED IN ASSEMBLY JUNE 29, 2006

AMENDED IN SENATE APRIL 18, 2006

SENATE BILL

No. 1569

Introduced by Senator Kuehl

February 23, 2006

An act to amend Section 14005.2 of, to add Section 13283 to, and to add Chapter 10.4 (commencing with Section 18945) to Part 6 of Division 9 of, the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1569, as amended, Kuehl. Human services: immigrants.

Under existing law, the State Department of Social Services is required, after setting aside necessary administrative funds, to allocate all federal social services funds derived from the federal Refugee Act of 1980, which are required to be used for certain training of eligible refugees, to each eligible county, in the same proportion that refugees receiving aid in each eligible county bear to the total refugees receiving aid in all eligible counties. Services provided to persons covered by these federal provisions include employment-related and English language training services.

Existing law also provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons, including noncitizens who meet specific qualifications under the Cuban-Haitian Entrant Program and the Refugee Resettlement Program for health care services.

Existing federal law also prohibits the provision of state or local public benefits, as defined, to certain noncitizens unless specifically provided for in state law.

This bill would extend eligibility for certain ~~state and local benefits~~ *public social services*, including, but not limited to, refugee cash assistance, Medi-Cal, and employment social services, *as well as Healthy Families Program benefits* to qualified noncitizen victims of trafficking, domestic violence, and other serious crimes, as defined, who can demonstrate their eligibility for these programs, ~~as specified and who are taking steps to meet the eligibility conditions for certain federal benefits~~. It would also provide that these victims shall be eligible for state or local public benefits and services, to the same extent that persons are eligible pursuant to the federal Refugee Act of 1980. By increasing counties' responsibility for administering and determining eligibility for various services, programs, and benefits, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13283 is added to the Welfare and
2 Institutions Code, to read:
3 13283. Notwithstanding any other provision of law, the
4 department shall ensure that noncitizen victims of trafficking,
5 domestic violence, and other serious crimes, as defined in
6 subdivision (b) of Section 18945, have access to refugee cash
7 assistance, and refugee employment social services set forth in
8 this chapter, to the same extent as individuals who are admitted
9 to the United States as ~~a refugee~~ *refugees* under Section 1157 of
10 Title 8 of the United States ~~Code, whether these services,~~
11 ~~assistance, or programs are federally or state funded, or both~~

Code. These individuals shall be subject to the same work requirements and exemptions as other participants, provided that compliance with these requirements is authorized by law. An exemption from these requirements shall be available if physical or psychological trauma related to or arising from the victimization impedes their ability to comply. *Assistance and services under this subdivision shall be paid from state funds to the extent federal funding is unavailable.*

SEC. 2 Section 14005.2 of the Welfare and Institutions Code is amended to read:

14005.2. Unless otherwise specified in this chapter, the eligibility of a person eligible under the Cuban-Haitian Entrant Program or the Refugee Resettlement Program for health care services under Section 14005 shall be determined by applying the same income and resource methodologies and standards and all other eligibility criteria established pursuant to this chapter that are applied by the department in determining the eligibility of a medically needy family person, except for those criteria that establish categorical relatedness, and only as long as federal funds are available. Victims of trafficking, domestic violence, and other serious crimes, as defined in subdivision (b) of Section 18945, shall be eligible for these services to the same extent as individuals who are admitted to the United States as a refugee under Section 1157 of Title 8 of the United States Code, ~~whether these services are federally or state funded, or both~~ *Code. Services under this subdivision shall be paid from state funds to the extent federal funding is unavailable.*

SEC. 3. Chapter 10.4 (commencing with Section 18945) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 10.4. SERVICES AND BENEFITS FOR NONCITIZEN
VICTIMS OF TRAFFICKING, DOMESTIC VIOLENCE, AND OTHER
SERIOUS CRIMES

18945. (a) Noncitizen victims of trafficking, domestic violence, and other serious crimes, as defined in subdivision (b), shall be eligible for ~~state and local public benefits and services~~ *public social services under the division, and health care services under Part 6.2 (commencing with Section 12693) of*

1 *Division 2 of the Insurance Code*, to the same extent as
2 individuals who are admitted to the United States as ~~a refugee~~
3 ~~refugees~~ under Section 1157 of Title 8 of the United States Code.
4 ~~These services shall include, but shall not be limited to, refugee~~
5 ~~cash assistance, refugee medical assistance, and refugee~~
6 ~~employment social services set forth in Chapter 5.5 (commencing~~
7 ~~with Section 13275), and Section 14005.2, of Part 3 of Division~~
8 ~~9, whether federally funded or state funded. Benefits and services~~
9 ~~under this subdivision shall be paid from state funds to the extent~~
10 ~~federal funding is unavailable.~~

11 (b) For purposes of this section, victims of trafficking,
12 domestic violence, and other serious crimes shall be defined to
13 include both of the following:

14 (1) Noncitizen victims of a severe form of trafficking in
15 persons, who have been subjected to an act or practice described
16 in Section 7102 (8) or (9) of Title 22 of the United States Code or
17 Section 236.1 of the Penal ~~Code. Code, and who have filed an~~
18 ~~application or are preparing to file an application for status~~
19 ~~under Section 1101(a)(15)(T)(i) or (ii) of Title 8 of the United~~
20 ~~States Code or otherwise are taking steps to meet the conditions~~
21 ~~for federal benefits eligibility under Section 7105 of Title 22 of~~
22 ~~the United States Code.~~

23 (2) Individuals who have applied for status under Section
24 1101(a)(15)(U)(i) or (ii) of Title 8 of the United States Code.

25 (c) For purposes of this section, Section 13283 and Section
26 14005.2:

27 (1) In determining whether an applicant has been a victim of a
28 severe form of human trafficking, the state or local agency shall
29 consider all relevant and credible evidence. A sworn statement
30 by a victim, or a representative if the victim is not able to
31 competently swear, shall be sufficient if at least one item of
32 additional evidence is also provided, including, but not limited
33 to, any of the following:

34 (A) Police, government agency, or court records or files.

35 (B) News articles.

36 (C) Documentation from a social services, trafficking, or
37 domestic violence program, or a legal, clinical, medical, or other
38 professional from whom the applicant or recipient has sought
39 assistance in dealing with the crime.

1 (D) A statement from any other individual with knowledge of
2 the circumstances that provided the basis for the claim.

3 (E) Physical evidence.

4 (2) If the victim cannot provide additional evidence, then the
5 sworn statement shall be sufficient if the county or state agency
6 makes a determination documented in the case file that the
7 applicant is credible.

8 SEC. 4. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.